

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

ROSETTA SPENCER

(Name of plaintiff or plaintiffs)

v.

DYNACORP INTERNATIONAL LLC

MARIO SOTO

HEATHER TAYLOR

(Name of defendant or defendants)

JUDGE KATHLEEN CARDONE

Civil Action Number:

(Case Number to be supplied  
by the Intake Clerk)

**EP11CV0334**

COMPLAINT

1. This action is brought by ROSETTA SPENCER, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).
2. Defendant DYNACORP INTL LLC. (Defendant's name) lives at, or its business is located at 3190 Fairview Park Drive 400<sup>th</sup> (street address), Falls Church (city), VA (state), 22042 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 13500 HERITAGE PKWY (street address), FORT WORTH (city), TEXAS (state), 76177 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 500 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had 0 (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about AUGUST (month) 5 (day) 2008 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: AUGUST 5, 2008 thru October 8, 2008
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about SEPTEMBER (month) 27 (day) 2008 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on May (month) 17 (day) 2011 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

**VERY IMPORTANT NOTE:**

**PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.**

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☒ Yes  
☐ No

**VERY IMPORTANT NOTE:**

**IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT**

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) Black
- ☒ Color (If applicable, state color) Brown
- ☒ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) Female
- ☐ Religion (If applicable, state religion) \_\_\_\_\_
- ☐ National Origin (If applicable, state national origin) \_\_\_\_\_
- ☐ Age (If applicable, state date of birth) \_\_\_\_\_
- ☐ Disability (If applicable, state disability) \_\_\_\_\_

- ☐ Prior complaint of discrimination or opposition to acts of discrimination.  
(Retaliation) (If applicable, explain events of retaliation) I have  
placed an attachment. please see  
attachment.

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☒ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☒ other (specify) discrimination, retaliation  
assault with a deadly weapon (M116).  
Please see attachment

- 8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

**VERY IMPORTANT NOTE:** **INCLUDE SPECIFIC DATES, SPECIFIC EVENTS,**  
**AND ANY SPECIFIC COMMENTS MADE BY**  
**DEFENDANT PERTAINING TO THE**  
**DISCRIMINATION CLAIM ALLEGED ABOVE.**

On 10 August 2008, I was told that Mr. Gregory West  
did not want anymore black female lead guards. On 16  
AUGUST I reported the incident to Mr. Natividad Gonzalez.  
He advise he did not want to discuss, and he did not want me  
to hold it against him. On 16 August I was turned away for  
apply for position. After 20 August 2008 I was no longer alternate  
Lead Guard

- 8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Tamra Vaughan, she told me that Mr. West did not anymore  
black females. She was later fired. Chris DUPONT, he went  
through extreme adverse treatment by OI. DAVID SPENCEL, he was  
discriminated against by OI. JOHN MOYSE, PROVOST MARSHALL at time

- 8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

Outline of Events, emails of complaint & responses, audio record-  
ings of meetings, pictures of penalty of violations, paper  
work of other terminations, schedules, literature of  
policies, copy of the contract. It will prove retaliation and discrimination  
and how my safety was  
violated.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.  
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.  
☐ Defendant be directed to re-employ plaintiff.  
☐ Defendant be directed to promote plaintiff.

- ☐ Defendant be directed to pay plaintiff for violating Title VII of the Civil Rights Act of 1964 (42 USC 2000) And any other state and federal laws they the company DYNACORP INTERNATIONAL violated against me. I would like to have a jury trial.

\_\_\_\_\_, and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

August 15, 2008  
Date

Roselle [Signature]  
Signature of Plaintiff

10740 Eagle Pass LN  
Address of Plaintiff

EL Paso, Tx 79924  
City State Zip Code

915-821-5728 (H) 719-659-8880 (C)  
Telephone Number(s)

Office:  
3901 W. Pioneer Parkway  
Arlington, Texas 76013

[hurlbutlawfirm@yahoo.com](mailto:hurlbutlawfirm@yahoo.com)

## ROGER L. HURLBUT

ATTORNEY & COUNSELOR AT LAW

Telephones:  
Metro (817) 226-4466  
Fax (817) 459-0003  
Toll Free (866) 755-3164

CONFIDENTIAL & PRIVILEGED  
VIA REGULAR FIRST-CLASS MAIL & EMAIL [rspencer183@aol.com](mailto:rspencer183@aol.com)

July 18, 2011

Rosetta Spencer  
10740 Eagle Pass  
El Paso, Texas 79924

Re: Employment Dispute with DynCorp International, LLC

Dear Rosetta,

Thank you for your interest in our services. Unfortunately, as discussed on July 14, 2011, after reviewing your information provided, we will not be able to assist you with your above legal matter on a contingency fee basis. We have not been engaged at anytime to file a lawsuit or provide any other legal services and have not taken any action other action to protect your rights or interests. We also are not engaged to provide any other or further services at this time. Instead, we have only reviewed the information you provided to us for possible employment of our firm.

It is unfortunate that we were unable to timely receive all of the documents as originally requested to allow us to conduct a more efficient review. Instead, the information and documents got strung out over several weeks, causing disjointedness and delay in our review. Last Thursday and Friday we finally received the emails, military statement, and additional recordings, which I was able to review late Friday and this past weekend. We still have never received, however, our chronology and witness list forms filled out as we requested. I understand you are also waiting on your documents from the EEOC.

As discussed, last Thursday, we have declined to accept this case on a contingency fee basis based on our review. Instead, we would only consider assisting you in this matter charged at our hourly rate on a retainer basis (my current rate is \$285.00/hour plus costs and expenses while my staff rates are considerably less.) If you are interested in this type of an arrangement, please let me know immediately and we can discuss the amount of an initial retainer(s) and our policy on replenishing retainers. An initial retainer will be required in place before we are engaged. Attached is our firm's agreement for an hourly based fee for your consideration. We can fill it in appropriately if we reach an agreement.

If you wish to proceed on an hourly fee basis, please let me know by July 20, 2011, so that we can reach an agreement and then begin to gear up for timely filing suit well in advance of your **August 15, 2011**, deadline. Please understand that our declining to assist you in this matter on a contingency fee basis is not a comment on the severity of the ordeal you have experienced. Otherwise, due to the nature and time urgency of your situation, I strongly advise that you immediately take this matter to another attorney.

### BE AWARE OF STATUTE OF LIMITATIONS

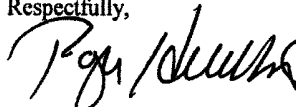
As a reminder, if you wait too long before filing a civil lawsuit in the appropriate court you will come flat up against the statute of limitations. IF YOU FAIL TO FILE SUIT BEFORE THE EXPIRATION OF THE APPLICABLE STATUTE OF LIMITATIONS AND/OR OTHER LEGAL DEADLINE, YOU WILL LOSE YOUR RIGHTS TO PURSUE YOUR CLAIM IN CIVIL COURT. In other words, you lose your legal rights against the responsible parties! That would be a serious mistake. Again, the following statutes of limitations and deadlines may apply to your case, in the least:

August 15, 2011 -	<u>for violations under Title VII under your EEOC complaint (race/color)</u>
4 years -	<u>for breach of contract, and fraud claims.</u> (Texas Law)
2 years -	<u>for negligence, misrepresentation and many tort claims.</u> (Texas Law)

CAUTION: There may be other applicable statutes of limitations, including such foreign law or other state laws of which we are not familiar.

Please let us know your decision upon receipt of this letter. I remain,

Respectfully,



Roger L. Hurlbut

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Rosetta Spencer**  
**10740 Eagle Pass**  
**El Paso, TX 79924**

From: **Washington Field Office**  
**131 M Street, N.E.**  
**Suite 4NW02F**  
**Washington, DC 20507**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**570-2009-00013**

**Yofi D. Weinberg,**  
**Enforcement Supervisor**

**(202) 419-0756**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

**Mindy E. Weinstein,**  
**Acting Director**

**MAY 17 2011**

(Date Mailed)

cc:

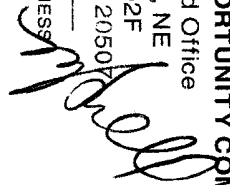
**Denis Snyder**  
**Human Resource Director**  
**DYNCORP INTERNATIONAL, LLC**  
**3190 Fairview Park Drive**  
**Suite 700**  
**Falls Church, VA 22042**

**Jason M. Branciforte**  
**Littler Mendelson, P.C.**  
**1150 17<sup>th</sup> Street, N.W.**  
**Suite 900**  
**Washington, DC 20036**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Washington Field Office  
131 M Street, NE  
Suite 4NW02F  
Washington DC 20507

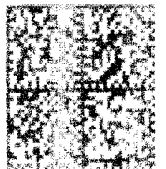
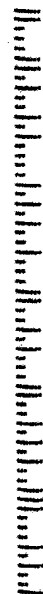
OFFICIAL BUSINESS



Ms. Rosetta Spencer  
10740 Eagle Pass  
El Paso, TX 79924

#22013

7992431212 0030



UNITED STATES POSTAGE  
\$00.44  
004401824 MAY 17 2011  
MAILED FROM ZIP CODE 20507

Enclosure with EEOC  
Form 181 (11/09)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**



EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

570-2009-00013

**Arlington Human Rights Commission**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Spencer Rosetta**

Home Phone (Incl. Area Code)

**(719) 392-1309**

Date of Birth

**05-05-1969**

Street Address

City, State and ZIP Code

**3945 Wylie Lane, Colorado Springs, CO 80916**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**DYNCORP INTERNATIONAL**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(703) 560-1203**

Street Address

City, State and ZIP Code

**3190 Fairview Park Drive, Suite 700, Falls Church, VA 22042**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☒ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**03-09-2008****09-25-2008**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by DynCorp International, LLC on September 2006 as s Security Guard. On 3/9/08 my employer began to discriminate against me because of my sex (gender: female) and color (brown). I was also retaliated against. Caucasian staff members were encouraged to apply for promotions while African American employees where not. I was constructively discharged on 9/25/08.

I believe that I have been discriminated against because of my sex and color, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I was retaliated against.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

Dec 19, 2008 Rosetta Spencer

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**INTAKE QUESTIONNAIRE**

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a." Please Print.

**1. Personal Information**

Last Name: Rosetta First Name: Spencer MI: \_\_\_\_\_  
 Street or Mailing Address: 3945 Wylie Lane Apt Or Unit #: \_\_\_\_\_  
 City: Colorado Springs County: EL Paso State: Colorado ZIP: 80916  
 Phone Numbers: Home: (719) 392-1309 Work: ( ) \_\_\_\_\_  
 Cell: (719) 659-8880 Email Address: rspencer183@aol.com  
 Date of Birth: 05-05-69 Sex: Male \_\_\_\_\_ Female: ☒ Do You Have a Disability? Yes ☐ No ☒

Please answer each of the next three questions. i. Are you Hispanic or Latino? Yes ☐ No ☒  
 ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaska Native ☐ Asian  
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ White  
 iii. What is your National Origin? USA

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Linda Turner Relationship: Mother  
 Address: 10740 Eagle Pass Lane City: El Paso State: TX Zip Code: 79924  
 Home Phone: (915) 821-5728 Other Phone: (706) 580-4024

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ☒ Union \_\_\_\_\_ Employment Agency \_\_\_\_\_ Other (Please Specify) \_\_\_\_\_

**2. Organization Contact Information**

Organization #1 Name: DynCorp International LLC  
 Address: 3190 Fairview Park Drive Suite 700 County: Arlington  
 City: Falls Church State: VA Zip: 22042 Phone: (703) 560-1203  
 Type of Business: Global Company Job Location if different from Org. Address: \_\_\_\_\_  
 Human Resources Director or Owner Name: Madhu Warrier Phone: 703-560-1203

Number of Employees in the Organization at All Locations: Please Check (v) One

Less Than 15 ☐ 15 - 100 ☐ 101 - 200 ☒ 201 - 500 ☐ More 500 ☐

Organization #2 Name: N/A  
 Address: \_\_\_\_\_ County: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Type of Business: N/A Job Location if different from Org. Address: N/A  
 Human Resources Director or Owner Name: N/A Phone: \_\_\_\_\_  
 Number of Employees in the Organization at All Locations: Please Check (✓) One  
 Less Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More 500 ☐

3. Your Employment Data (Complete as many items as you can)

Date Hired: 27 September 2006 Job Title At Hire: Security Guard  
 Pay Rate When Hired: \_\_\_\_\_ Last or Current Pay Rate: \_\_\_\_\_  
 Job Title at Time of Alleged Discrimination: Security Guard  
 Name and Title of Immediate Supervisor: Bruce Nappi Lead Guard/Assistant Guard Shift Supervi  
 If Applicant, Date You Applied for Job N/A Job Title Applied For N/A

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees or you have other evidence of discrimination, you should check (✓) AGE. If you feel that you were treated worse than those not of your race or you have other evidence of discrimination, you should check (✓) RACE. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check (✓) RETALIATION.

Race ☐ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Color ☒ Religion ☐ Retaliation ☒ Pregnancy ☐

Other reason (basis) for discrimination (Explain): DynCorp International discriminated against my safety.

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you. (Example: 10/02/06 - Written Warning from Supervisor, Mr. John Soto)

A) Date: 05/08/08 Action: Mr Gregory West Deputy Program Manager disregarded  
DI Intl's Code of Ethics, Policies and Penalties. By neglecting my safety.  
 Name and Title of Person(s) Responsible: Mr Gregory West Deputy Program Manager

B) Date: 03/09/08 Action: Ms Heather Taylor Human Resource Manager disregarded  
DI Intl's Code of Ethics, Policies and Penalties. By Harassing, Retaliating and Threatening (Continue)  
 Name and Title of Person(s) Responsible: Ms Heather Taylor Human Resource Manager

Describe any other actions you believe were discriminatory.

Me For e-mailing DynCorp International Hotline address and reportin  
the safety violation incident dealing with dangerous weapons.

6. What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?

- ① Mr Gregory West Deputy Program Manager (Please Read Attachment(s))  
 ② Ms Heather Taylor Human Resource Manager (Please Read Attachment)

7. Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination. Add additional sheets if needed.

Full Name	Job Title	Description
1. N/A		
2.		
3.		

Answer questions 8-10 only if you are claiming discrimination based on disability. If not, skip to question 11.

8. Please check all that apply: N/A ☐ Yes, I have an actual disability  
☐ I have had an actual disability in the past  
☐ No disability but the organization treats me as if I am disabled

9. If you are alleging discrimination because of your disability, what is the name of your disability? How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.). N/A

10. Did you ask your employer for any assistance or change in working condition because of your disability?

Yes ☐ No ☐ N/A

Did you need this assistance or change in working condition in order to do your job?

Yes ☐ No ☐ N/A

If "YES", when?

To whom did you make the request? Provide full name of

person

How did you ask (verbally or in writing)?

Describe the assistance or change in working condition requested?

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A. Bruce Nappi	Lead Guard	
At this point I don't know what he would say to keep his job Please Read Attachment(s)		
NAME	JOB TITLE	ADDRESS & PHONE NUMBER
B. Richard Shulkus	Security Guard	
At this point I don't know what he would say to keep his job Please Read Attachment(s)		
NAME	JOB TITLE	ADDRESS & PHONE NUMBER
C.		

12. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☐ No ☒
13. If you have filed a complaint with another agency, provide name of agency and date of filing:  
Provost Marshal Office (PMO) at Camp As Suwayyah Military Base in Doha, Qatar.
14. Have you sought help about this situation from a union, an attorney, or any other source?  
Yes ☐ No ☐ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any? I sent e-mail to the following agencies on the 20 September:  
All agencies had an automated return they received messages) Tampa CID office 3rd Milit Police, USAF 16 7803 Hillsborough Loop Drive MacDill Air Force Base, FL 33621. E-mail Tampabomail.navy.mil. Return e-mail navgw2.intechwash. ② Defense Hotline The Pentagon Washington D.C. 20301-1900 hotline @dodig.mil ③ National Center For Victims of Crime All Right Reserved Privacy Statement 200 M Street NW Suite 480 Washington D.C. 20007 E-mail Webmaster@nvc.org. Return e-mail ④ E-mail to crimetips@conus.army.mil. Return e-mail from conus.army.mil

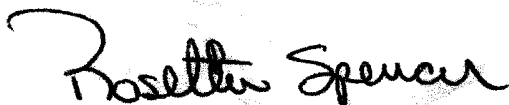
Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so within either 180 or 300 days from the day you knew about the discrimination. The amount of time you have depends on whether the employer is located in a place where a state or local government agency has laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you want to file a charge, you should check Box 1, below. If you would like more information before deciding whether to file a charge or you are worried or have concerns about EEOC's notifying the employer, union, or employment agency about your filing a charge, you may wish to check Box 2, below.

## Box 1

I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, or retaliation for opposing discrimination.

## Box 2

I want to talk to an EEOC employee before deciding whether to file a charge of discrimination. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.



Signature

27 September 2008

Today's Date

**PRIVACY ACT STATEMENT:** This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (9/20/08).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. **ROUTINE USES.** EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent of this form is ODCSOPS

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 Dated November 22, 1943 (SSN)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately recorded.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Building 200A	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME SPENCER ROSETTA	6. SSN 464-637577	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS Dyn Corp International			

9. I, Rosetta Spencer, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

my name is Rosetta Spencer. I work for Dyn Corp International as a security guard overseas at Camp As Sayliyah.

On August 5, 2008, There was a safety incident that involved the loading of a M16 weapon at an undesignated area with the muzzle pointed at my head. Myself Rosetta Spencer the victim Mr Mario Soto the accused and Mr Richard Shilkus the witness. We are all employed by Dyn Corp International as security guards at Camp As Sayliyah.

Tuesday on August 5, 2008, around 04:35 am in the hallway of building 200A. While I Rosetta Spencer was bent down at my locker, Mr Soto was standing behind me speaking to Mr Shilkus. I Rosetta Spencer looked up at Mr Soto and saw Mr Soto load his magazine into his M16 while it was pointed at my head. I Rosetta Spencer then stood up and said, what the fuck are you doing Soto? You don't do no shit like that. I Rosetta Spencer then shoved Mr Soto to the wall. Then I Rosetta Spencer said, "you load your fuckin weapon at the clearing barrel. Then Mr Soto said, "OK, I know where to go." At that time Mr Nappi came in from outside. Then I Rosetta Spencer asked, Mr Nappi to disarm Mr Soto and rearm him.

I Rosetta Spencer can't begin to describe how scared, nervous

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT RS	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT \_BLDG 216, CAMP AS SAYLIYAH, DOHA QATAR DATED \_

## 9. STATEMENT (Continued)

and angry I was with that gun pointed at my head. In an instinct because of Mr Soto's carelessness and total disregard of proper procedures and policies on safety anything have happend.

The infrastructure of our job is based upon safety. We as guards work 6 days out of a week. It is complete muscle memory to load and unload our weapons at the clearing barrel with a lead guard as our ~~Safety~~ instructor. That is the authorized designated area as per Military and policy to load and unload all weapons.

With all being said, Mr Soto had no muzzle awareness at that point. Mr Soto by his own admission demonstrated and displayed an unsafe act with no justification. I Rosetta Spencer feels that this matter needs complete urgency.

On Tuesday August 5, 2008 I requested to have a meeting with Mr West and Mr Moore The Deputy /Operations Support Managers. The meeting commenced at 13:45 pm.

Myself Rosetta Spencer, Mr Nappi, Mr West and for about 15 minutes Mr Moore. Mr West lead the meeting. I explained to Mr West about what happened Mr West advised that is a terminal offense. My self and Mr Nappi agreed. Myself and Mr Nappi advised that Mr Soto's disregard to safety, policies and regulations were completely unacceptable.

Then Mr West advised He was not going to terminate Mr Soto because the Company (Dyn Corp Intl)

INITIALS OF PERSON MAKING STATEMENT

DS

PAGE 2 OF 4 PAGES



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT BLDG 216. CAMP AS SAYLIYAH, DOHA QATAR DATED \_\_\_\_

9. STATEMENT (Continued) needs bodies. And once they (Dyn Corp Intl) starts cutting the guards by (1) one hour a day people are going to start poppin smoke as per Mr West.

Mr Nappi also advised Mr West that Mr Soto was an Armor and LTC moyse (Pmo) removed him from the arms room. ~~There~~ was something in his background records caused for his immediate removal.

Mr West conveyed that Mr Soto's corrective action would be a lead Guard escort him from the Armor window to the clearing barrel everyday. Mr West asked me how I felt about that and demanded a yes or no answer. I Rosetta Spencer told Mr West that I had complete tunnel vision on the matter and my answer is, "No". I advised Mr West it was my head at the end of that M/I.

Mr Nappi called Mr Soto into the Office. He admitted to Mr West what happened and left the room.

Mr West advised, he wanted a (3) page essay from Mr Soto on weapons Safety. I Rosetta Spencer intervened and said, he at least needs to be disarmed for 30 days. Then Mr West agreed to disarm him.

Every since the incident I have not been able to sleep well. I Rosetta Spencer get very emotional thinking about what happened. And ~~I'm~~ angry at the fact that Dyn Corp International completely disregard my safety and wellbeing.

Mr Soto has not even apologized for the incident. That concerns me. What state of mind will ~~be~~ in.

My contention is with Dyn Corp International for disregarding my safety under the UMCS and MEJA. I want to press charges against Dyn Corp International. ~~///End of statement///~~

INITIALS OF PERSON MAKING STATEMENT



PAGE 3 OF 4 PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

## AFFIDAVIT

I, ROSETTA SPENCER, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of August, 2008 at Camp As Sayliyah Qatar

ORGANIZATION OR ADDRESS

[Signature]  
(Signature of Person Administering Oath)

Glowicki, Matthew J  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Initials]

PAGE 4 OF 4 PAGES



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<b>Signed for by</b>	A.AINSWORTH	<b>Delivered to</b>	Receptionist/Front Desk
<b>Ship date</b>	Sep 27, 2008	<b>Service type</b>	Priority Pak
<b>Delivery date</b>	Sep 30, 2008 9:43 AM	<b>Weight</b>	1.8 lbs.
<b>Status</b>	Delivered		
<b>Signature image available</b>	<a href="#">Yes</a>		

Date/Time	Activity	Location	Details
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	4:06 AM	Departed FedEx location	MEMPHIS, TN
Sep 29, 2008	12:57 AM	Int'l shipment release	MEMPHIS, TN
	11:22 PM	Departed FedEx location	PARIS FR
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Sender's Name ROSETTA SPENCER Phone 719-659-8880

Company ATTN: Dynloop International

Address ASG-QA Box 516, APO AE 09898

Address 3945 Lylyic Lane

City Colorado Springs State Colorado

Country USA Postal Code 80916

Sender's VAT/URN Number REQUIRED for intra-European shipments.

2 To

Recipient's Name ATTN: Lynette Barnes Phone 202-419-0713

Company U.S. Equal Employment Opportunity Commission

Address 1801 L Street N.W., Suite 100

City Washington State DC

Country USA ZIP Postal Code 20507

3 Shipment Information

Shipper's Tax ID Number for Customs Purposes 14-88700000000000000000

4. Description of Contents, or as locally required

1 Total Packages 1 ☐ Per EU Only: Tick here if goods are not in free circulation and provide CI.

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Commodity Description DOCUMENT Harmonized Code 1701.10.00 Country of Manufacture USA Value for Customs NA

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Signature: ROSETTA SPENCER

For Completion Instructions, see back of fifth page.

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	8:13 AM On FedEx vehicle for delivery	WASHINGTON, DC	
	7:30 AM At local FedEx facility	WASHINGTON, DC	
	3:14 AM Departed FedEx location	NEWARK, NJ	
	1:49 AM Int'l shipment release	NEWARK, NJ	
Oct 7, 2008	10:45 PM Departed FedEx location	PARIS FR	
	11:50 AM In transit	DUBAI AE	
	6:46 AM In transit	DUBAI AE	
Oct 6, 2008	9:40 PM In transit	DOHA QA	

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Washington Field Office**

1801 L Street, N. W., Suite 100  
Washington, D. C. 20507  
(202) 419-0713  
TTY (202) 419-0702  
FAX (202) 419-0740  
Toll free (866) 408-8075  
General information (800) 669-4000

October 3, 2008

Rosetta Spencer  
3945 Wylie Lane  
Colorado Springs, CO 80916

Re: EEOC Charge Number **570-2009-00013N**

Dear Rosetta Spencer

This is to confirm that we received your Intake Questionnaire (Form 283) and/or correspondence. Please be advised that your questionnaire and/or correspondence will be assigned to an Intake Officer for processing. Once the Intake Officer has an opportunity to review the information, you will be contacted either by telephone or mail. Your patience is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mara Lopez", is written over the typed name.

for Carolyn Allen

Program Assistant



## U.S. Equal Employment Opportunity Commission

131 M Street, NE  
Suite 4WN02F  
Washington, D. C. 20507  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Washington Status Line: (866) 408-8075  
Washington Direct Dial: (202) 419-0713  
TTY (202) 419-0702  
FAX (202) 419-0740

December 15, 2008

Respondent: DynCorp International, LLC  
EEOC Inquiry No. 570-2009-00013

Spencer Rosetta  
3945 Wylie Lane  
Colorado Springs, CO 80916

Dear Mr. Rosetta:

Your intake questionnaire correspondence concerning allegations of employment discrimination by the respondent named above has been reviewed. It is not clear from what you submitted whether you intend to file a charge of discrimination or whether you would like to speak to us first before filing a charge.


We have included a draft Charge of Discrimination based on what you submitted. You may sign and send the form to us IF you intend to file a charge. However, please be aware that the law requires that a respondent receive timely notice of our receipt of your charge. Therefore, if you sign and send five (5) copies of the charge form to us, we will notify the respondent immediately.

If you are not sure whether to file a charge and would like to speak to us first, please don't hesitate to call me at (301) 419-0718 or email me at [devona.jefferson@verizon.net](mailto:devona.jefferson@verizon.net) to arrange an interview.

Please contact me as soon as possible because charges of employment discrimination must be filed within the time limits imposed by law. When you call, please use the "EEOC Inquiry No." listed at the top of this letter and mention that you are responding to this letter. Please also read the enclosed brochure, "What You Should Know Before You File A Charge With EEOC," for answers to frequently asked questions about employee rights and the EEOC process. You may also visit our website at [www.eeoc.gov](http://www.eeoc.gov) to determine how much time you have to file a charge or learn more about the EEOC.

IF WE HAVE NOT HEARD FROM YOU WITHIN 30 DAYS OF THIS LETTER, WE WILL ASSUME THAT YOU DID NOT INTEND TO FILE A CHARGE OF DISCRIMINATION WITH US.

Sincerely,

  
Devona J. Jefferson  
Federal Investigator  
(202) 419-0718

Enclosure(s)

Copy of EEOC Form 5, Charge of Discrimination (6 copies)

Copy of EEOC Uniform Brochure, "What You Should Know Before You File A Charge With EEOC."





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

March 11, 2009

Rosetta Spencer  
3945 Wylie Lane  
Colorado Springs, Colorado 80916

Dear Ms. Rosetta Spencer,

Thank you for contacting us on 03/09/2009 03:10 PM. Based on the information you provided, it appears your situation may be covered by the laws we enforce. To begin the charge-filing process, please read and complete the entire questionnaire immediately. You may return the questionnaire by mail to the EEOC office listed below or you may return the questionnaire in person. If you wish to return the completed questionnaire in person, we strongly encourage you to call the office at the number indicated below before visiting. The charge filing process can take up to two hours to complete and the intake office hours and procedures may differ from office to office.

Washington Field Office  
131 M Street NE, Suite 4NWO2F  
Washington, DC 20507-0100  
1-202-419-0713

Please remember to:

- Answer all questions as completely as possible.
- Include the location where you work(ed) or applied.
- Complete both sides of each page.
- Attach additional pages to complete your responses, if necessary.
- Contact the field office if you have questions about completing this form or if you wish to inquire about visiting the office to complete the charge filing process.

Information about the laws we enforce and our charge-filing procedures is available on our web site at [www.eeoc.gov](http://www.eeoc.gov).

A charge of job discrimination must be filed with the EEOC within 180 days from the date of harm in order to protect your rights. This 180 day filing deadline may be extended to 300 days if the charge is also covered by a state or local job discrimination law. Therefore, it is important that you submit the completed questionnaire promptly.

Submission of this questionnaire may not meet all requirements for filing a charge. However, this questionnaire will allow the EEOC to review your circumstances further and determine whether we can assist you.

Please call 1-800-669-4000 and provide the transaction number 090309-000964, if you have not heard from the field office after 30 days from the date you mailed the completed questionnaire.

Sincerely,  
U.S. Equal Employment Opportunity Commission

\* PLEASE do NOT return the questionnaire to the address on the envelope; return it to the address above \*

**ROSETTA SPENCER**  
**Plaintiff**

**ATTACHMENT TO COMPLAINT FORM (EEOC)**

**SUMMARY OF EVENTS**

I was hired by DynCorp International LLC. on September 2006 at 13500 Heritage PKWY, FORTH WORTH, TX 76177.

DynCorp International LLC., staff and employees violated Title VII of the Civi Right Act of 1964 ( Title VII ). It is illegal to retaliate against a person because the person complained about discrimination.

DynCorp Internation LLC violated other laws as well.. Military Extraterritorial Jurisdiction Act, 18 U.S.C., breach of trust, federal laws, state laws, negligence and penal codes.

My contract was not supose to end until April 1, 2009.

On 5 August 2008, (Tuesday), around 4:35am in the hallway of building 200 A. While I was bent down at my locker Mr. Mario Soto was standing behind me speaking and laughing with Mr. Richard Shulkus. I looked up and saw Mr. Soto load his magazine into his M/16 weapon while it was pointed directly at my head. Mr. Mario Soto hit the release button and it snapped. I was in a state of shock. I feared for my life. I stood still. At that point and time, I didn't know if he had shot the weapon or he had chambered a round while pointed directly at my head. Mr. Soto was looking at me and still laughing.

I did shove Mr. Soto out of self defense and in fear of my life for having a loaded dangerous M/16 weapon pointed directly at my head.

I told Mr. Bruce Nappi (Lead Guard) to disarm Mr. Mario Soto.

I was horrified, I was in immediate and imminent danger.

I reported the incident that morning. The meeting did not commence until 1345.

Myself, Mr. Gregory West (Deputy Program Manager), Mr. Bruce Nappi (Lead Guard) and for about 15 to 20 minutes Mr. Clarence Moore (Assistant Operations Manager), Mr. Mario Soto.

Mr. West advised it was a terminal offense. Mr. Nappi and Mr. Moore agreed.

Mr. Mario Soto admitted in the meeting he pointed a loaded gun at me while I was at my locker. *Paul Nantz vs. State of Indiana, 2001 Ind. App. 740 N.E. 2d 1276, MEJA, 18 U.S.C.*

Mr. West advised it is a terminal offense but he was not going to terminate Mr. Soto because people are going to quit once Dyncorp start cutting the guards by an hour a day people are going to start poppin like smoke. And he did not want to look at safety issues as a violation nor from the Military stand point.

Mr. Nappi and myself advised Mr. West that Mr. Soto was kicked out of the arms room by LTC Moyse. Mr. Soto has a domestic violence charge on his DD214. Mr. Mario Soto had displayed anger. Mr. Mario Soto did verbally admit he loaded his wepon while pointed at my head.

Mr. Mario Soto and staff neglected to safeguard my safety. The company allowed Mr Soto and staff to disregard 'Zero Tolerance Policies', Code of Ethics and Business Conduct and Compliance with the law. *Harper v. City of East Point, 237 Ga, App. 375, 515 S.E. 2d 629 (1999). Paul Nantz vs. State of Indiana, 2001 Ind. App. 740 N.E. 2d 1276, MEJA, 18 U.S.C.*

On 10 August 2008, I was told to turn in my passport requested by Ms. Heather Taylor (Human Resource Dept Personal). As I was going to guard mount Ms. Tamra Vaughan (Guard) advised me that Mr. West told her he did not want to hire anymore black women for the lead guard position(s).

On 13 August 2008, I filled a complaint with the Military and signed a Sworn Statement.. The Military stated it was a violation of safety with a dangerous weapon..

On 16 August 2008, Mr. Natividad Gonzalez (Program Manager) had a meeting with DynCorp International guard force to confirm DynCorp was going to cut use an hour a day. After the meeting I spoke to Mr. Gonzalez in the strictness of confidence about how black african

american woman are being discriminated against for future lead guard position. I advised him that Mr. West did not want anymore black women in the lead guards position. And how he wanted most Caucasian women to be in the lead positions. Mr. Gonzalez advised anybody can go out for the lead guard position as long as they do not have any disciplinary actions. I advised it is known we will not be considered. Then Mr. Gonzalez advised, he really didn't want to discuss this because he did not want me to hold it against him.

After 19 August 2008, prior speaking to Mr. Gonzalez knowing that I am an alternate lead guard. Since I reported the gun incident about Mr. Soto pointing a loaded dangerous weapon gun M/16 at my head and filing a complaint. I was not scheduled or assigned to work as a lead guard anymore. There were still 3 lead guard positions open.

I still went to apply. I was told by Mr. West that the position wont, reopen until next week.

On 21 August 2008, I was off.

On 22 August 2008, Mr. Mario Soto started taunting me with his M/16 weapon by pushing his release button and making it charge forward when I walk by him in the hallway and laughing. I was afraid and scared for my safety. I reported the incident to Security Administrator.

On 25 August 2008, I was told I had to move to another team. It was not by choice.

On 25 August 2008, I wrote Mr. West a detailed email displaying and conveying my concerns. I had advised I was the victim then and why was I being victimized for following safety procedures, regulations, policies and the safety of others and the laws we are governed by.

On 25 August 2008, I email the DynCorp International HOTELINE about the gun incident.

On 25 September 2008, I was constructively discharged. Do to Ms. Taylor not renewing my work visa. And I was afraid for my life with all the adverse treatment. My work visa was about to expire in two weeks.

Then Ms. Taylor asked, for my passport again so she can cancel my visa A.S.A.P. and that I am to leave immediately.

On 29 August 2008, Mr. Alford James shot of his weapon in the Tower.

On 31 August 2008, I sent another email to the DynCorp International HOTELINE informing them. That there had been another safety incident dealing with another dangerous weapon. I didn't want the situation that happen to me to be an isolated incident. Being threaten and having my life in danger by a loaded weapon pointed directly at my head. By Mr. Soto.

I had already started receiving adverse treatment from Mr. West and Ms. Taylor.

M.s Heather Taylor retaliated against me. She was refusing to renew my work visa and give me back my passport. If Ms. Taylor does not renew my work visa I can not work on the contract. In order to work on the DynCorp contract it states in our contract we have to have a work visa. If we can not get a work visa we must leave immediatly.

On 1 September 2008, I filled a complaint about Ms. Taylor not giving me my passport to my shift supervisor.

On 2 September 2008, Ms. Taylor had me come to her office to pick up my passport and advised she still had not renewed my work visa amd she was not trying to keep my passport from me. I advised, Ms. Taylor you have had my passport for over 3 weeks and I don't understand. Then Ms. Taylor proceeded to ask me question about an ex employee Chris Dupont (Guard). She made a comment that she heard that we were real close. I advised everyone likes him. *White v. Burlington N.2 Sante Fe Ry. Co., 321 F. 3d 1203, 2003 U.S App. Lexis 2469 (6th Cir., 2003).*

The way Ms.Taylor, Mr. Gonzalez and employees treated Mr. Dupont was criminally unethical. Mr Dupont was one of the many employees that was in the news papers crying out for help in 2007.

Chris Dupont helped the Government retrieve allot of money from DynCorp International LLC for fraud and many other things.

Ms. Taylor knows it only takes 3 to 5 days to get a work visa. She was forcing me out. That is a breach of contract and trust and several laws.

On 3 September 2008, Ms. Taylor had me come to her office to investigate the incidents. Which she displayed she did not care she was completely bias. She stated that charges could be brought against me for my actions. I asked her to give it to me in writing. She later then stated it was not founded.

Ms. Taylor advised me of a conversation I had with Mr. Gonzalez in the strictness of confidence. About how Mr. West would not allow me and some other black woman to apply for the Lead Guard position.. I told Ms. Taylor he did not ask me. Ms Taylor angerly says he said he asked you and you make 3 black women.

Then Ms. Taylor advised I will hear a response within 2 to 5 days. I received and email from the hotline on September 11, 2008. Stating the investigation was CLOSED.

Ms. Taylors behavior and comments were very aggressive, discriminatory, rude, retaliory and reckless. *White v. Burlington N.2 Sante Fe Ry. Co.*, 321 F. 3d 1203, 2003 U.S App. Lexis 2469 (6th Cir., 2003).

Ms. Taylor would not allow me give her my resume. She advised I have to give it to my Shift Supervisor. That is not how we apply for any position. It has to go through the Human Resource Dept.

I went to apply again for the position I was told I had to be recommended by my Shift Supervisor. I never heard of such a thing.

On 28 September 2008, out of respect to Mr. George F Close (Vice President). I sent him and email of everything that was going on and the adverse treatment I was receiving from the staff and employees. I explained to him how I followed all policies, procedures, regulations.

On Mr. Close last visit he gave me his card and advised that if there was anything going on that might jeopardize the contract or the company and peoples safety to let him know. Especially if nothing was being done about it. If I could not get intouch with him to call the hotline.

Mr. Alford James (black male) was terminated for his weapon violation and the safety of others. Ms. Tamra Vaughan was terminated for weapons violation and the safety of others and her weapon was not loaded or on her person.

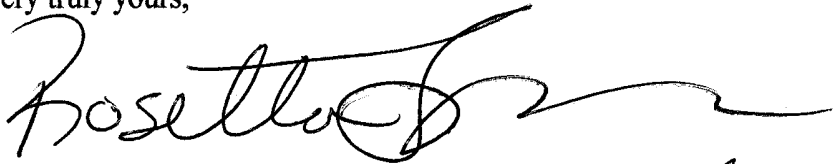
But Mr. Mario Soto got favorable treatment for pointing a loaded weapon directly at my head putting me in direct, immediate, immient, danger of a dangerous weapon. I was afraid for my life. What he did was a criminal, negligent act against me. Mr Morio Soto broke the law that was enforced by the Secretary of Defense. All weapon should be loaded and unloaded at the clearing barrel.. *Harper v. City of East Point*, 237 Ga. App. 375, 515 S.E. 2d 629 (1999). *Paul Nantz vs. State of Indiana*, 2001 Ind. App. 740 N.E. 2d 1276.

On 7 October 2008, Mr. Budaharri (Assistant Human Resource Personnel) advised that some woman tried to cancel my work visa in August. The only person who had my passport was Ms. Heather Taylor.

**CLOSING**

I was a dedicated and loyal employee. I received good performance ratings, awards and recommendations during my tenure with DynCorp International LLC.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosetta Spencer", followed by a long horizontal flourish.

Rosetta Spencer

August 15, 2008